

REMARKS

The above-identified application is United States application serial number 10/676,637 filed on October 1, 2003. Withdrawn claims 56, 71, 76, and 86 have been canceled. Claims 1, 3-40, 42, 44-55, 57-67, 69-70, 72, and 74-85 are pending in the application and are rejected. Applicant respectfully traverses these rejections.

Claim Rejections Under 35 USC 101

Claims 1-40, 42-55, 57-70, and 72-85 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In response, independent claims 1, 42, 57, and 72 as now amended are directed to a computer-implemented method and program instructions on tangible computer-readable medium, respectively. Claims 3-40; 44-55; 58-67 and 69-70; and 74-85 depend from respective claims 1, 42, 57, and 72 and are thus directed to statutory subject matter as well. Removal of the rejection of claims 1, 3-40, 42, 44-55, 57-67, 69-70, 72, and 74-85 under 35 U.S.C. 101 is respectfully requested.

Claim Rejections Under 35 USC 102/103

Claims 1, 21, 26-28, 36, 39-40, 42, 50, 53-55, 57, 69-70, 72, 80, and 85 are rejected under 35 U.S.C. 102(e) as being anticipated by Trcka *et al.* (US 6,453,345 B2). Claims 2-5, 22-23, 43-46, 51-52, 58-61, 73-76, 81-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trcka *et al.* (US 6,453,345 B2), and further in view of Thubert *et al.* (US 6,865,184 B2).

Applicant notes that no rationale was provided for rejecting claim 6-15, 16-20, 24, 25, 29-35, 37, 38, 47-49, 62-66, 77-79, 83, and 84 other than the rejection under 35 USC 101, which Applicant believes has been traversed. Applicant believes claims 6-15, 16-20, 24, 25, 29-35, 37, 38, 47-49, 62-66, 77-79, 83, and 84 are now allowable, and requests grounds for rejecting the claims in the event they are not considered allowable.

Independent claim 1, as amended to include the features of claim 2 (now canceled), recites "when the source address qualifies as the threat, determining whether the destination address is synthetic". The Examiner stated that this feature

was not found or suggested by Trcka, and cited Thubert as teaching this feature. The present application claims benefit of priority of U.S. Provisional Application No. 60/415,291, filed October 1, 2002. The earliest priority date for Thubert is a continuation-in-part of U.S. Application Serial No. 10/383,567 filed May 10, 2003. Accordingly, Thubert cannot be used as prior art against the claims of the present application because the present application has the benefit of an earlier priority date than Thubert. Claim 1 is distinguishable from Trcka and Thubert alone and in combination, for at least these reasons.

Independent claim 42, as amended to include the features of claim 43 (now canceled), recites "synthetic-address-determining means for determining whether the destination address is synthetic". The Examiner stated that this feature was not found or suggested by Trcka, and cited Thubert as teaching this feature. The present application claims benefit of priority of U.S. Provisional Application No. 60/415,291, filed October 1, 2002. The earliest priority date for Thubert is as a continuation-in-part of U.S. Application Serial No. 10/383,567 filed May 10, 2003. Accordingly, Thubert cannot be used as prior art against the claims of the present application because the present applicant has the benefit of an earlier priority date than Thubert. Claim 42 is distinguishable from Trcka and Thubert alone and in combination, for at least these reasons.

Independent claim 57, as amended to include the features of claim 68 (now canceled), recites "a packet-type-determining module configured to determine a packet type of the first packet". Applicant believes claim 68 as originally filed was distinguishable from the prior art because no rationale was provided for rejecting claim 68 other than the rejection under 35 USC 101, which Applicant believes has been traversed. Applicant believes claim 57 is now allowable, and requests grounds for rejecting claim 57 in the event claim 57 is not considered allowable.

Independent claim 72, as amended to include the features of claim 73 (now canceled), recites "synthetic-address-determining instructions for determining whether the destination address is synthetic". The Examiner stated that this feature was not found or suggested by Trcka, and cited Thubert as teaching this feature.

The present application claims benefit of priority of U.S. Provisional Application No. 60/415,291, filed October 1, 2002. The earliest priority date for Thubert is as a continuation-in-part of U.S. Application Serial No. 10/383,567 filed May 10, 2003. Accordingly, Thubert cannot be used as prior art against the claims of the present application because the present applicant has the benefit of an earlier priority date than Thubert. Claim 72 is distinguishable from Trcka and Thubert alone and in combination, for at least these reasons.

CONCLUSION

The application, including remaining Claims 1, 3-40, 42, 44-55, 57-67, 69-70, 72, and 74-85 is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned at (949) 350-7301.

I hereby certify that this correspondence is being transmitted to the USPTO on the date shown below:

/Mary Jo Bertani/
(Signature)
Mary Jo Bertani
(Printed Name of Person Signing Certificate)
October 9, 2007
(Date)

Respectfully submitted,

/Mary Jo Bertani/

Mary Jo Bertani
Attorney for Applicant(s)
Reg. No. 42,321